IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.12356 of 1999

Between:

C.S. Narayana,

S/o C. Venkatesham,

Aged about 44 years,

Occ: Unemployee,

R/o 15-4-176, Osman Shahi,

Gowliguda Chaman, Hyderabad.

..... PETITIONER

AND

A.P. State Road Transport Corporation,

Rep. by its Depot Manager,

Picket, Secunderabad.

.....RESPONDENT

ORAL ORDER:

This Writ Petition is filed by the workman being aggrieved by the Award dated 3-2-1999 passed in I.D.No.44 of 1997 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

It is the case of the petitioner that he joined the service of the respondent-Corporation in the year 1978 and put in good record of service till he was illegally terminated from service on 14-2-1997. While he was conducting the bus on 3-10-1996 on the route Degloor-Hyderabad, a check was exercised at Stage No.27/28 at 1505 hours and the checking officials found certain cash and ticket irregularities. On the basis of the report of the checking officials, charge sheet dated 11-10-1996 was issued to him. He submitted explanation denying the allegations made against him. Without considering the same properly, the respondent ordered for a detailed enquiry into the matter. The Enquiry Officer submitted a report holding him guilty of the charges, without properly appreciating the facts and circumstances of the case. The disciplinary authority after completing the formalities passed an order dated 14-

2-1997 removing him from service. Aggrieved by the same, he filed an appeal and the same was also dismissed. Having no other option, he raised an industrial dispute under Section 2-A(2) of the Industrial Disputes Act,1947 and the same was taken on file in I.D.No.44 of 1997 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad. Unfortunately, the Labour Court also did not look into the facts and circumstances of the case and carried away by the observations made by the disciplinary authority and refused to grant any relief and as such, dismissed the claim petition. Hence, this Writ Petition.

Though no counter affidavit is filed, the learned standing counsel for the respondent strenuously contended that the charges levelled against the petitioner are grave in nature and they are proved in full. Further, the past conduct of the petitioner was not at all inspiring. He was censured twice, his increments were stopped for seven times and he was suspended five times earlier, apart from removal from service once. Therefore, the Award passed by the Labour Court does not call for interference at the hands of this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the Award under challenge and other material made available on record.

At the outset, I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Art.226 of the Constitution of India. The charges are very grave in nature. The first charge is that the petitioner has not observed the rule ‘issue and start’, which was proved. The second charge is that he had collected an amount of Rs.4/- each from a batch of five passengers, who boarded the bus at Madunoor and bound for Degloor, at the boarding point itself and failed to issue tickets to them. This charge was also proved. Further, the grave charge is Charge No.3 under which, the petitioner reissued six tickets of various denomination and the same is a matter of record, which is proved in full in view of the statements of the passengers. He had also reissued two tickets of Rs.5/- denomination and Rs.3/- denomination instead of Rs.4/- denomination, though Rs.4/- denomination fresh tickets were available in the ticket tray. The petitioner also tried to interfere with the work of checking officials and influenced them not to frame case and charges. All these charges were proved in full. Insofar as not issuing the tickets by collecting money and reissuing of used tickets is concerned, it is a matter

of record. Apart from this, the past conduct of the petitioner, as noted above, was not good, since he was censured twice, increments were deferred for seven times and suspended five times earlier, apart from removal from service once before this incident. All these things would show that the petitioner is not entitled for any relief. Therefore, the Award passed by the Labour Court rejecting the claim of the petitioner does not call for interference of this Court under Art.226 of the Constitution of India, and as such, the Writ Petition is liable to be dismissed.

The learned counsel for the petitioner, however, strenuously contended that the Conductor at the time of check asked TTIs to check the cash to make out as to whether the petitioner has collected any amount or not from the passengers and this was not properly considered either by the disciplinary authority or by the Labour Court. In support of his contention, the learned counsel has drawn attention of the Court to the decision reported in **S. PULLA REDDY v. DEPOT MANAGER, APSRTC.** Learned counsel stated that in this case also, cash was not checked by the TTIs and, therefore, they have come to an erroneous conclusion. Though the disputed facts cannot be gone into by this Court, in this regard, the passengers themselves have stated that the petitioner having collected the fare has failed to issue tickets. Further, in case of others, he issued tickets found in their possession at the time of check, which were, admittedly, used tickets in the earlier trips. Therefore, this contention of the learned counsel for the petitioner cannot be accepted.

For all the above reasons, the Writ Petition is devoid of merits and liable to be dismissed. Accordingly, the Writ Petition is dismissed. No order as to costs.

02-8-2005

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